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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,178	10/10/2006	Rainer Hald	RUF-06-1175	8245
35811 7590 07/07/2009 IP GROUP OF DLA PIPER LLP (US) ONE LIBERTY PLACE 1650 MARKET ST, SUITE 4900 PHILADELPHIA, PA 19103				
EXAMINER				
SAHA, BIJAY S				
ART UNIT		PAPER NUMBER		
1793				
NOTIFICATION DATE		DELIVERY MODE		
07/07/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pto.phil@dlapiper.com

# Office Action Summary

**Application No.**

10/583,178

**Applicant(s)**

HALD ET AL.

**Examiner**

BIJAY S. SAHA

**Art Unit**

1793

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Status of Application***

The **claims 1-9** have been cancelled. **Claims 10-19** are pending and presented for the examination.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claims 10-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al US 2001/0038938 (hereinafter PGP'938) in view of Hirai et al US 2003/0194608 (hereinafter PGP'608).

Regarding **claims 10**, PGP'938 teaches an electrochemical element (fig 8 and Fig 9 page), lithium secondary battery (para 0039 page 3), and a housing envelope (para 0027), a flexible envelope (para 0034), envelope formed by laminate film (para 0154), connected to positive and negative electrodes (Fig 1B and 2B), connected to safety electronics (Fig 5, part # 106, 105), conducted exteriorly (Fig 6 part # 106).

Although PGP'938 teaches terminal made of copper foils (para 0085), PGP'938 does not explicitly teach coating the copper foils by nickel.

PGP'608 teaches nickel plating of copper electrode (para 0033 and claim 1).

At the time of invention it would have been obvious to a person of ordinary skill to make an electrode element (PGP'938's teaching) utilizing the nickel plated copper electrodes (PGP'608 teaching). The suggestion or motivation for doing so would have been to "[e]xcellent in corrosion resistance" of copper by nickel plating. (PGP'608).

Regarding **claims 11 and 13**, PGP'938 teaches protective component is inserted in the link between element and safety electronics (Examples B1 and B2, para 0183).

Regarding **claims 12**, PGP'938 teaches protective element PTC thermister (Para 0183).

Regarding **claims 14**, PGP'938 teaches a thermal fuse (para 0183).

Regarding **claims 15**, PGP'608 teaches nickel coating of copper electrode (para 0033 and claim 1).

Regarding **claims 16**, PGP'938 teaches nickel-coated copper diverters are 2 mm to 15 mm wide (Figures 2A, 2B, 4,5 and 6, component # 113, 14, 106). Examiner considers these dimensions based upon the dimensions of the 5 mm wide strip (para

0157) and thermister of 0.5 mm thick (para 0176).

Regarding **claims 17**, PGP'938 teaches nickel-coated copper diverters are 15  $\mu\text{m}$  to 150  $\mu\text{m}$  thick (para 0079).

Regarding **claims 17**, examiner considers: In MPEP 2144.05 [R-5] Obviousness of Ranges, "In the case where the claimed ranges "overlap or lie inside ranges disclosed by the prior art" a prima facie case of obviousness exists.

Regarding **claims 18**, PGP'608 teaches nickel coating (para 0033 and claim 1). The total thickness of the electrode is in the range of 8  $\mu\text{m}$  to 5 mm (para 0033) that includes the thickness of the coating. Since the plating thickness is extremely small compared to the thickness of the base metal itself, examiner considers that it meets the claim limitation.

Regarding **claims 19**, PGP'938 teaches the housing comprises a compound aluminum film (para 0154).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure of nickel plating. US 3,665,145, US 5,856,047, US 5,773,164.

### ***Summary***

The **claims 10-19** are rejected.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BIJAY S. SAHA whose telephone number is (571) 270-5781. The examiner can normally be reached on Monday- Friday 8:00 a.m. EST - 5:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Mayes can be reached on (571) 272 1234. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BIJAY S SAHA/

Examiner, Art Unit 1793

BSS

June 28, 2009

/Melvin Curtis Mayes/

Supervisory Patent Examiner, Art Unit 1793